

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,  
vs. No. CR 20-00317 JP  
ANTHONY FRAZIER JR.,  
Defendants.

**ORDER FOR DETERMINATION OF COMPETENCY  
TO PROCEED IN A CRIMINAL CASE**

THIS MATTER comes before the Court on Unopposed Motion for Competency Evaluation by Commitment to Custody of the Attorney General (Doc. No. 20), filed pursuant to 18 U.S.C. § 4241.

The Court, being fully advised, FINDS that the motion is well taken, and it will be granted. Specifically, the Court FINDS that there is reasonable cause to believe the defendant may be suffering from a mental disease or defect rendering him incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or unable properly to assist in his defense.

IT IS THEREFORE ORDERED that Defendant Anthony Frazier Jr. is committed to the custody of the Attorney General for determination of competency

to proceed in a criminal case. Mr. Frazier shall be evaluated at a suitable location by appropriate professional personnel under the direction of the Attorney General, who professional shall file a report which shall address the factors relevant to a determination of competency set forth in 18 U.S.C. § 4247(c), including but not limited to the following questions:

1. Does Mr. Frazier now have a rational as well as a factual understanding of the nature and consequences of the proceedings against him?
2. Does Mr. Frazier now have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding?
3. If Mr. Frazier does not presently have a rational and factual understanding of the nature and consequences of the proceedings against him or presently does not have sufficient ability to consult with his lawyer with a reasonable degree of rational understanding, then is there a substantial probability that he will attain these capacities in the foreseeable future?

The Director of the facility shall file the report with the Court under seal, with copies to counsel for the defense and for the Government, in accordance with 18 U.S.C. § 4247(b), (c), within 30 days, but the Director may apply for a reasonable extension, not to exceed 15 days, showing good cause for the extension.

Further proceedings with respect to Mr. Frazier are hereby stayed until the report is received and a competency hearing is concluded.

Pursuant to 18 U.S.C. § 3161(h)(1)(A), the period of time from the filing of Defendant's Motion for Competency Evaluation (Doc. 20), to the entry of an order finding Mr. Frazier competent is excluded for purposes of his speedy trial rights.

IT IS FURTHER ORDERED, pursuant to Rule 12.2(c) of the Federal Rules of Criminal Procedure, that neither any statement made by Mr. Frazier in the course of the competency evaluation, nor testimony by an expert or experts based upon such a statement, and no other fruits of the statement, shall be admitted in evidence against Mr. Frazier in any criminal proceeding, except on an issue respecting mental condition on which the defendant has introduced testimony.

  
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SENIOR UNITED STATES DISTRICT JUDGE

Submitted by and approved:

Jeffrey J. Buckels  
Counsel for Defendant

Approved:

AUSA David Cowen